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EXAMINER	
SAINT CYR, JEAN D	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,131	HOFFMAN ET AL.	
	Examiner	Art Unit	
	JEAN D. SAINT CYR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to applicant's communication filed on 07/01/2008. Claims 1-30 are still pending in the current application. **This action is made NON-FINAL**.

Response to Arguments

Applicant's arguments filed on 07/01/2008 have been fully considered but they are not persuasive. Applicant argues that the hardware peripheral must be coupled to a computer modem at user premises and in communication with a computer network for communicating data from a user via a computer network to a cable television head end.

However, Ellis disclose in fig.5, element 58, communications device, that communications device 58 may be any device suitable for supporting communications between remote program access device 24 that contains personal computer, PDA, palmtop and controls the video signal received from the head end and interactive television program guide equipment 17 over link 19, such as a communications port,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem and that communication device is connected to a link 19 that may include computer network or internet link. The communication device 58 can be located inside or outside of the user premises.

Also, Ellis shows in fig.34 with more details that user premises is connected to the main facility via internet connection and Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, cable modem, or the like. The network used to connect homes to television distribution facility 238 may be any network suitable for distributing video and audio data such as the Internet. It is inherent that user connects to a computer modem for communicating over internet to receive data like video, audio from the service provider. Finally, Ellis disclose that Video and audio may be transmitted from interactive television program guide equipment 17 to remote program guide access device 24 over remote access link 19 in any suitable format. That means the cable

television network can be directly connected to a digital ready television like PC/TV, laptop, personal computer and PDA. As a result, this action is made non- final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al, US Patent No. 20050028208.

Re claim 1, Ellis et al disclose a device for use in an interactive cable television system (an interactive television program guide is implemented on each piece of user television equipment, 0022), the device comprising: a hardware peripheral device coupled to a computer modem at a user premises and in communication with a computer network (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093), for communicating data from a user via the computer network (remote access link 19. Link 19 may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link, 0094) to a cable television network head end to control a television information signal provided over a cable television network cable connected directly to a digital cable ready television at the user premises (see fig.5, element 24).

Re claim 2, Ellis et al disclose wherein the peripheral device is integrated into a

single unit (these functions may be integrated into an advanced television receiver, personal computer television ,PC/TV, or any other suitable arrangement, 0088) with the computer modem .

Re claim 3, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem (Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, 0206).

Re claim 4, Ellis et al disclose wherein the peripheral device uses an infrared link for at least one of receiving the data from the user and controlling the television information signal (an infrared transceiver or other suitable transceiver, 0086).

Re claim 5, Ellis et al disclose wherein the peripheral device uses a radio frequency link for at least one of receiving the data from the user and controlling the television information signal (see fig.5, link 19; a radio frequency link, 0094).

Re claim 6, Ellis et al disclose further comprising: a status indicator section (see fig.11, status) showing a current status of the peripheral device(The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 7, Ellis et al disclose controlling a television information signal provided by a cable television network cable connected directly to a digital cable ready television at a user premises based on data communicated by a user to a peripheral device coupled to a computer modem at the user premises and in communication with a computer network (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote

program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093), via the computer network to a cable television network head end(see link 19; may include any suitable transmission medium. Link 19 may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link, 0094).

Re claim 8, Ellis et al disclose wherein the peripheral device is integrated into a single unit (these functions may be integrated into an advanced television receiver, personal computer television ,PC/TV, or any other suitable arrangement, 0088) with the computer modem .

Re claim 9, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem (Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, 0206).

Re claim 10, Ellis et al disclose wherein the peripheral device uses an infrared link for at least one of receiving the data from the user and controlling the television information signal (an infrared transceiver or other suitable transceiver, 0086).

Re claim 11, Ellis et al disclose wherein the peripheral device uses a radio frequency link for at least one of receiving the data from the user and controlling the television information signal (see fig.5, link 19; a radio frequency link, 0094).

Re claim 12, Ellis et al disclose further comprising: a status indicator section (see fig.11, status) showing a current status of the peripheral device (The remote access program guide may indicate the status of interactive television program guide

equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 13, Ellis et al disclose a computer network (a computer network, 0094);

a computer modem at a user premises in communication with the computer network (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093);

a cable television network including a head end for providing a television information signal over a cable television network cable (see fig.1, main facility) directly to a digital cable ready television at the user premises (see fig.1, element 24 that contains personal computer, notebook computer, palmtop, PDA), the television having a display responsive to the television information signal (see fig.4, display device);

a hardware peripheral device coupled to the modem for communicating data from a user via the computer network to the head end to control the television information signal (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093).

Re claim 14, Ellis et al disclose wherein the peripheral device is integrated into a single unit (these functions may be integrated into an advanced television receiver, personal computer television ,PC/TV, or any other suitable arrangement, 0088) with the computer modem .

Re claim 15, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem (Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, 0206).

Re claim 16, Ellis et al disclose wherein the peripheral device uses an infrared link for at least one of receiving the data from the user and controlling the television information signal (an infrared transceiver or other suitable transceiver, 0086).

Re claim 17, Ellis et al disclose wherein the peripheral device uses a radio frequency link for at least one of receiving the data from the user and controlling the television information signal (see fig.5, link 19; a radio frequency link, 0094).

Re claim 18, Ellis et al disclose further comprising: a status indicator section (see fig.11, status) showing a current status of the peripheral device (The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 19, Ellis et al disclose a device for use in an interactive cable television system (see fig.1, element 17, interactive television program guide equipment), the device comprising: a hardware peripheral device having:

a receiver for receiving data (Each user has a receiver, which is typically a set-top box such as set-top box 248, but which may be other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated , 0186) from a user input device (any other suitable user input device, 0089 and see fig.5, user interface),

a processor responsive to the data for sending (Each set-top box 248 preferably contains a processor to handle tasks associated with implementing a program guide application on the set-top box 248, 0186) communications through a computer modem at a user premises (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093) over a computer network to a cable television network head end (a cable system head end, 0068); and

an output for controlling television information signal (see fig.4, control circuitry): provided by a cable television network cable connected directly to a digital cable ready television at the user premises (see fig.33a) from the head end responsive to the communications (see fig.5, communication device) from the hardware peripheral device(see fig.5, communication device).

Re claim 20, Ellis et al disclose wherein the peripheral device is integrated into a single unit (these functions may be integrated into an advanced television receiver, personal computer television ,PC/TV, or any other suitable arrangement, 0088) with the computer modem .

Re claim 21, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem (Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, 0206).

Claim 22 recites what was discussed on claim 4.

Claim 23 recites what was discussed on claim 5.

Claim 24 recites what was discussed on claim 6.

Re claim 25, Ellis et al disclose an interactive cable television system(see fig.1, element 17, interactive television program guide equipment)comprising: a computer modem at a user premises (see fig.5, element 58, communications device; communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 over link 19, such as a communications port ,e.g., a serial port, parallel port, universal serial bus port, etc, modem e.g., any suitable analog or digital standard modem or cellular modem, 0093) and in communication with a computer network(a computer network, 0094) ;

a user input device (see fig.5, user interface); a hardware peripheral device having (see fig.5, communication device):

a receiver for receiving data from the user input device (see fig.5, user interface), and

a processor responsive to the data for sending communications (see fig.5, processing circuitry) through the computer modem to a cable head end; and

a digital cable ready television at the user premises and directly connected to a cable television network cable (personal computer television, PC/TV, 0088) for displaying a television information signal (see fig.4, display device) provided over the cable from the head end controlled by the communications from the hardware peripheral device (see fig.5, communication device).

Re claim 26, Ellis et al disclose wherein the peripheral device is integrated into a single unit (these functions may be integrated into an advanced television receiver,

personal computer television ,PC/TV, or any other suitable arrangement, 0088) with the computer modem .

Re claim 27, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem (Real-time communications devices 121 may be any devices suitable for maintaining a constant open connection with network 110, such as internal or external modems, 0206).

Re claim 28, Ellis et al disclose wherein the peripheral device uses an infrared link for at least one of receiving the data from the user and controlling the television information signal (an infrared transceiver or other suitable transceiver, 0086).

Re claim 29, Ellis et al disclose wherein the peripheral device uses a radio frequency link for at least one of receiving the data from the user and controlling the television information signal (see fig.5, link 19; a radio frequency link, 0094).

Re claim 30, Ellis et al disclose further comprising: a status indicator section(see fig.11, status) showing a current status of the peripheral device (The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an

application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

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